

AO 120 (Rev. 08/10)	
TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western Dist. of Texas, Austin Div. on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292):


DOCKET NO. 1:11-CV-268 SS	DATE FILED 4/1/2011	U.S. DISTRICT COURT Western Dist. of Texas, Austin Div.
PLAINTIFF Stephen Mann		DEFENDANT Waterplay Solutions Corp. and Lincoln Equipment, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see attached		
2 7,551,161		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
WILLIAM G. PUTNICKI		APR 4 2011

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STEPHEN MANN

Plaintiff,

vs.

WATERPLAY SOLUTIONS CORP. and
LINCOLN EQUIPMENT, INC.

Defendants.

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Case No. **A11 CA268 SS**

Jury Demanded

PLAINTIFF'S ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, STEPHEN MANN (hereinafter "Plaintiff"), complaining of WATERPLAY SOLUTIONS CORP. (hereinafter "WATERPLAY") AND LINCOLN EQUIPMENT INC. (hereinafter "LINCOLN"), and for cause of action would respectfully show the following:

THE PARTIES

1. Plaintiff is a resident of Toronto, Ontario, Canada.
2. Upon information and belief, Defendant WATERPLAY is a Canadian corporation with a principal place of business at 1451B Ellis Street, Kelowna, BC Canada V1Y 2A3. WATERPLAY may be served by serving its President, Mr. Craig White, who may be served at his place of business, 1451B Ellis Street, Kelowna, BC Canada V1Y 2A3.
3. Upon information and belief, Defendant LINCOLN is a California corporation with a principal place of business at 2051 Commerce Ave., Concord, CA 94520. LINCOLN may be served by serving its Registered Agent, Mr. Charles R. Luecker, at 1810 Joseph Dr., Moraga, CA 94556.

THE PATENT

7. On June 23, 2009, United States Patent No. U.S. Patent No. 7,551,161 entitled “Fluid User Interface such as Immersive Multimediator or Input/Output Device With One or More Spray Jets” (“the ‘161 patent”) was duly and legally issued. A true and correct copy of the ‘161 patent is attached as Exhibit A.

8. Pursuant to 35 U.S.C. § 282, the ‘161 patent is presumed valid.

9. Plaintiff is the sole inventor and owner of the ‘161 patent with full and exclusive right to bring suit to enforce these patents.

10. The ‘161 patent relates generally to a fluid user interface for applications in which one or more sprays or jets create an immersive multimedia environment in which a participant can interact within the immersive multimedia environment by blocking, partially blocking, diverting, or otherwise engaging with a fluid, to create computational input.

11. The patent infringement allegations in this case relate to at least claim 1, 2, 4, 21 and 22 of the ‘161 patent.

JURISDICTION & VENUE

12. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. § 1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

13. WATERPLAY, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the ‘161 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

14. LINCOLN, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '161 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

PATENT INFRINGEMENT COUNTS

18. Plaintiff realleges and incorporates by reference paragraphs 1 through 17.

19. WATERPLAY, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '161 patent, including at least claims 1, 2, 4, 21 and 22 and/or other claims, including for example and without limitation the Waterplay-manufactured Tappin' Tunes, Toney Tube, Clarence, Saxi, and Trumpet interactive water devices.

20. LINCOLN, on information and belief, uses, sells, or offers to sell products that infringe claims of the '161 patent, including at least claims 1, 2, 4, 21 and 22 and/or other claims, including for example and without limitation Waterplay-manufactured Tappin' Tunes, Toney Tube, Clarence, Saxi, and Trumpet interactive water devices.

21. The infringement of the '161 patent alleged above has injured Plaintiff and thus, he is entitled to recover damages adequate to compensate for Defendants' infringement, which in no event can be less than a reasonable royalty.

22. The infringement of the '161 patent alleged above by Defendant WATERPLAY has been willful, and thus Plaintiff is entitled to recover treble damages from Defendant WATERPLAY.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

A. That Defendants, WATERPLAY and LINCOLN have infringed one or more claims of the '161 patent;

B. That Defendants, WATERPLAY and LINCOLN, account for and pay to Plaintiff all damages caused by the infringement of the '161 patent, which by statute can be no less than a reasonable royalty;

C. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants WATERPLAY and LINCOLN's infringement of the '161 patent;

D. That Plaintiff be granted treble damages as a result of Defendant WATERPLAY's willful infringement;

E. That Plaintiff be granted his attorneys' fees in this action;

F. That costs be awarded to Plaintiff; and

G. That Plaintiff be granted such other and further relief that is just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all claims and issues so triable.

Dated: April 1, 2011

Respectfully Submitted,

/s/ Scott Clearman

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